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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,694	02/19/2004	Abraham Tijerina	9016-1003	2024

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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

COLETTA, LORI L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,694

Applicant(s)

TIJERINA ET AL.

Examiner

Lori L. Coletta

Art Unit

3612.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-38 is/are allowed.
- 6) ☒ Claim(s) 1,2,7,9,10, 15 is/are rejected.
- 7) ☒ Claim(s) 3-6,8,11-14 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaehler et al. 5,794,398.

Regarding claim 1, Kaehler '398 discloses a vehicle frame structure having a front and rear end, a pair of parallel spaced apart rails (13) and a plurality of transversal support beams (18), wherein each transversal support beam is joined to each rail by means of an adherent substance (column 4, lines 50-54) in Figure 2.

Regarding claim 2, Kaehler '398 discloses a vehicle frame structure wherein each transversal support beam (18) is joined to each rail by means of a joining member (30), which joins each transversal support beam (18) and each rail (13) by means of an adherent substance (column 4, lines 50-54) in Figure 2.

Regarding claim 10, Kaehler '398 discloses a vehicle frame structure, wherein each rail (13) comprises an elongated tubular member having a circular cross section in Figure 2.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kaehler et al. 5,794,398 in view of Horton et al. 5,855,394.

Regarding claim 7, Kaehler '398 discloses a vehicle frame structure but does not show wherein the front end attaching a suspension support structure.

Horton et al. '394 teach a front end attaching a suspension support structure (32) in Figure 1.

Regarding claim 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the front end of the vehicle frame structure of Kaehler '398 with a suspension support structure as taught by Horton et al. '394, in order to provide support for the vehicle suspension.

Regarding claim 9, Kaehler '398 discloses a vehicle frame structure having five transversal support beams comprising a first, second and third transversal support beam but does not show a gas tank transversal support beam and a transmission support beam.

Horton et al. '394 teach five transversal support beams comprising a first, second and third transversal support beam, a gas tank transversal support beam (30) and a transmission support beam in Figure 1.

Regarding claim 9, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vehicle frame structure of Kaehler '398 with a gas tank transversal support beam and a transmission support beam as taught by Horton et al. '394, in order to provide support for the transmission and gas tank.

Regarding claim 15, Kaehler '398 discloses a vehicle frame structure having five transverse support beams comprising a first and second and third transverse support beam but does not show a gas tank transversal support beam and a transmission support beam and further including a first and second rear fender support welded to an end tip of the rail.

Horton et al. '394 teach five transversal support beams comprising a first, second and third transversal support beam, a gas tank transversal support beam (30) and a transmission support beam further including a first and second rear fender support welded to an end tip of the rail in Figure 1.

Regarding claim 15, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vehicle frame structure of Kaehler '398 with a gas tank transversal support beam and a transmission support beam further including a first and second rear fender support welded to an end tip of the rail as taught by Horton et al. '394, in order to provide support for the transmission, gas tank and first and second rear fender support.

Allowable Subject Matter

5. Claims 17-38 are allowed.
6. Claims 3-6, 8, 11-14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other vehicle frame structures similar to that of the current invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is 571-272-6658. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Lori L. Coletta

Lori L. Coletta
Primary Examiner
Art Unit 3612

llc

September 22, 2005